

February 5, 2013

Subject: SB 076 – Day Care Proximity Restrictions on Registered Sexual Offenders - Testimony

Members of the Senate Judiciary Committee,

As a Juvenile Advocate, the sexual abuse of children is of great concern to me; as a doctoral student in Public Policy, the efficacy of policy is also of great concern. If our goal is the effective prevention of sexual abuse, then SB 076 is a misguided effort at this for the following reasons:

1. **Children at day care centers are never left unattended**--if they are, we have a problem that is likely to cause even greater harm to children - child neglect. Children would be more likely to be hit by a car while unattended than to be abused by a sex offender registrant loitering nearby.
2. **The incidence of sexual abuse by a sex offender registrant loitering near a day care center is virtually non-existent.** SB 076 fails to target an area of actual need – a very important factor when considering the likely efficacy of policy at preventing sexual abuse. The National Plan to Prevent the Sexual Abuse and Exploitation of Children urges the **use of research** to inform **productive policies** and practices. Further, it urges that policy focus on primary prevention.

Note: In related legislation, the 2007 Minnesota Legislature, in considering legislation restricting registrant proximity to schools, conducted a study. Findings failed to support the need for such legislation. As a result, Minnesota has not enacted such a policy. The Maryland Dept. of Public Safety also addresses why their state does not have such a policy. (See attachment).

3. **Many day care centers are run by churches, and churches often provide a healthy, positive support system for sexual offenders, even serving as an extended family.** SB 076 could actually pose a treat to the prevention of sexual abuse by limiting a registrant's access to this positive support.

**Juvenile Concerns:**

- Juvenile offender registrants were minors and as such almost all have minor victims; therefore SB 076 encompasses them; it fails to differentiate juvenile & adult offenders*
4. **Michigan's Sex Offender Registry continues to be overly inclusive of juvenile offenders, and exceeds the federal requirements for juvenile registration.** SB 076 also applies to these juvenile offender registrants—most of whom were found to be of such significantly low risk that even at the time of adjudication they were permitted to remain in the community and to attend school with minors. Imposing the restrictions found in SB 076 and in the existing School Safety Zone policy on a juvenile offender registrant is ironic, and inappropriate. Further, imposing it 10 years later when they are an adult and have never re-offended is even more inappropriate. History of non-reoffending lowers a person's risk even more than when they were adjudicated.

5. **Juvenile offender registrants attend schools that have day care facilities for staff.** SB 076 poses a conflict regarding this.

Sexual abuse is a public health problem. I urge you to oppose SB 076 and instead focus attention on primary prevention policies informed by research that have greater likelihood of achieving our goal – the effective prevention of sexual abuse. Please do not hesitate to contact me for more information.

Thank you.

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## Maryland Department of Public Safety and Correctional Services

The following information was found on the website of the Maryland Department of Public Safety and Correctional Services. While this addresses residency restrictions for registrants, the statistics are still relevant, as is the reasoning why proximity related laws were rejected. This can be viewed at: [http://www.dpscs.state.md.us/online/servs/sor/frequently\\_asked\\_questions.shtml](http://www.dpscs.state.md.us/online/servs/sor/frequently_asked_questions.shtml)

### Q15. Are There Any Restrictions on Where a Sex Offender Can Live?

A perpetrator of sexual assault is very unlikely to be someone who is a stranger to you and your family. Most sexual crimes are committed by someone who has access to you or your children.

- Approximately two-thirds of rapes were committed by someone known to the victim.<sup>1</sup>
- 73% of sexual assaults were perpetrated by a non-stranger.<sup>1</sup>
- 38% of rapists are a friend or acquaintance.<sup>1</sup>
- 28% are an intimate partner.<sup>1</sup>
- 7% are a relative.<sup>1</sup>
- 797,500 children (younger than 18) were reported missing in a one-year period of time studied resulting in an average of 2,185 children being reported missing each day.<sup>2</sup>
- 203,900 children were the victims of family abductions.<sup>2</sup>
- 58,200 children were the victims of non-family abductions.<sup>2</sup>
- Of the 797,500 kidnappings only 115 children were the victims of "stereotypical" kidnapping. These crimes involve someone the child does not know or a slight acquaintance who holds the child overnight, transports the child 50 miles or more, kills the child, demands ransom, or intends to keep the child permanently.<sup>2</sup>

<sup>1</sup>U.S. Department of Justice. 2005 National Crime Victimization Study. 2005.

<sup>2</sup>U.S. Department of Justice. "National Estimates of Missing Children: An Overview" in National Incidence Studies of Missing, Abducted, Runaway, and Thrown away Children. 2005.

No, Maryland does not have any residency restrictions. Information put out by other states has shown that residency restrictions do not help to prevent sexual offenses from occurring because the victims and the offenders, in most situations, know each other. Having ready access to victims, in private and secretive environments, is how sex offenders thrive.

Some states, such as Iowa and Florida, have found that residency restrictions can make it very difficult to track sex offenders who have become homeless. Homeless sex offenders are also more difficult to register and without an address the registry is unable to tell the public where the offender lives. Homeless sex offenders are better able to operate in private and secretive environments. By registering a sex offender with a valid address the police, the Sex Offender Registry and the community are all better able to make sure that offender is not able to re-offend.